Supreme Court, U.S.
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No. 95-664

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1995

COUNTY OF CONTRA COSTA, *Petitioner,*

v.

DALE H. VISNESS, *Respondent,*

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

AMICUS CURIAE BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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24 pp

TABLE OF CONTENTS .

	Page
OPINION BELOW	2
INTEREST OF *AMICUS CURIAE*	3
ARGUMENT	9
THE OPINION OF THE NINTH CIRCUIT MISCONSTRUES SECTION 456(b) OF THE SOCIAL SECURITY ACT AND IS IN CONFLICT WITH THE SEVENTH CIRCUIT.	9
SUMMARY	15
CONCLUSION	16
APPENDIX I	17

TABLE OF AUTHORITIES

	Page
Cases	
Amie v. *Superior Court of Riverside County* 99 Cal.App.3d 421 160 Cal.Rptr. 271 (1979)	6
County of Contra Costa v. Lemon 205 Cal.App.3d 683 252 Cal.Rptr. 455 (1988)	10
In re Jones 94 B.R. 99 (Bkrtcy.N.D.Ohio 1988)	14
In re McLean 59 B.R. 675 (Bkrtcy.E.D.Va. 1986)	14
In re Ramirez 795 F.2d 1494 (9th Cir. 1986) *cert. den.* 481 U.S. 1003 (1987)	2, 9-14
In re Stovall 721 F.2d 1133 (7th Cir. 1983)	7, 14
In re Visness 57 F.3d 775 (9th Cir. 1995)	2, 9, 11, 13
In re Walden 60 B.R. 641 (Bkrtcy.M.D.Fla. 1986)	14
In re Wilson 29 B.R. 254 (Bkrtcy.D.Kan. 1983)	14

TABLE OF AUTHORITIES, CONT'D

State of Oregon v. Richards
45 B.R. 811 (D.Ore. 1984) 14

Van Hook v. Southern California Waiters Alliance
158 Cal.App.2d 556
323 P.2d 212 (1958) 13

Weinstock v. Eissler
224 Cal.App.2d 212
36 Cal.Rptr. 537 (1964) 13

Statutes

42 United States Code
§ 454 7
§§ 601 *et seq.* 12
§ 602(a)(26) 3, 9
§ 664 4
§ 651 *et seq.* 4
§ 656(a)(2)(B) 11
§ 656(b) 2, 9
§ 665(a)(1) 11
§ 666(a)(3)(A) 11
§ 666(e) 11
§ 667 4

Alaska Statutes
§ 25.27.120 5

Arizona Rev. Statutes
§ 46-295 5

TABLE OF AUTHORITIES, CONT'D

California Civil Code
§ 241 13
§ 248 13

California Code of Civil Procedure
§ 583.210 6
§ 583.250 6

California Family Code
§ 3900 12
§ 4000 12, 13
§ 4002(a) 12
§ 4002(b) 12
§ 4053(a) 12
§§ 4800-4854 7
§ 4821 7
§ 7633 13

California Penal Code
§ 270 13

California Statutes
1991, ch. 110, § 20 10
1992, ch. 162, § 2 13

California Welfare and Institutions Code
§ 11350 2-5, 9, 10
§ 11350(c) 4
§ 11475.1 3
§ 11487.2 3

Hawaii Rev. Statutes
§ 346-37.1 5

TABLE OF AUTHORITIES, CONT'D

Idaho Code	
§ 56-203B	5
Montana Code Annotated	
§ 40-5-223	5
Nevada Rev. Statutes	
§ 425.360(1)	5
Oregon Laws	
1995, Ch. 514, §§ 8-19	5
Oregon Rev. Statutes	
§§ 416.410	5
§ 416.415	5
Washington Rev. Statutes	
§ 74.20(A).055	5

Other Authorities

45 Code of Federal Regulations	
§ 302.60	4
§ 303.5(a)(1)	6
§ 303.7	7
§ 303.72	4
Rules of the Supreme Court	
Rule 37.5	1
Rule 37.6	1
Social Security Act	
§ 402(a)(26)	3, 9, 11, 13
§ 456(b)	2, 9

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PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Pursuant to Rules 37.5 and 37.6 of the Rules of the Supreme Court of the United States, the Office of District Attorney of the City and County of San Francisco, as a political subdivision of the State of California, files this brief as *amicus curiae* in support of a request by the Attorney General of the State of California that this Court issue a Writ of Certiorari to review a decision of the United States Court of Appeals for the Ninth Circuit, filed July 12, 1995.

OPINION BELOW

The opinion of the United States Court of Appeals for the Ninth Circuit in *In re Visness*, 57 F.3d 775 (9th Cir. 1995) is set forth in the Appendix of the petition filed by the Attorney General of the State of California. In *Visness* petitioner had requested the Ninth Circuit to reconsider its earlier decision in *In re Ramirez*, 795 F.2d 1494 (9th Cir. 1986), cert. den. 481 U.S. 1003 (1987), on two grounds: (1) the section of the Bankruptcy Code excepting a debt for unpaid child support from discharge had been twice amended since the bankruptcy court rendered its decision finding that section inapplicable to support judgments entered pursuant to California Welfare and Institutions Code section 11350, and (2) the Court had misconstrued section 456(b) of the Social Security Act which precludes the discharge of a "debt which is a child support obligation assigned to a State." 42 U.S.C. §656(b). As to the first issue, the Ninth Circuit in *Visness* held that the statutory changes in the Bankruptcy Code did not affect its prior holding in *Ramirez* and, as to the second, it held that the panel hearing the matter was bound by the holding of the previous panel. Crucial to the analysis of *amicus* is the statement by the Ninth Circuit that "**(t)his panel is 'bound by decisions of prior panels unless an en banc decision, Supreme Court decision, or subsequent legislation undermines those decisions.'**" *In re Visness, supra,* at 57 F.3d 778 (bold type added). On July 25, 1995 the Ninth Circuit declined to grant a hearing en banc.

INTEREST OF *AMICUS CURIAE*

As the agency charged with the enforcement of child support in this political subdivision, the Office of the District Attorney of the City and County of San Francisco represents the interests of the People of the State of California in collecting debts for child support which have been assigned to the county and in collecting support for custodial parents whose children are not receiving public assistance.[1] The district attorney of each county in California has similar responsibilities.[2] All district attorneys therefore have an immediate and significant interest in the dischargeability of debts in bankruptcy which are in the nature of support and assigned to the county.

San Francisco is a medium size county in the State of California and is responsible for the administration of approximately 33,000 child support cases.[3] In this caseload obligated parents owe approximately $14.1 million in uncollected judgments which are based on actions brought pursuant to California Welfare and Institutions Code § 11350. This figure represents 11% of the total collectible and unpaid support judgments in the district attorney's office which have been assigned to the county pursuant to section 402(a)(26) of the Social Security Act (42 U.S.C. § 602(a)(26)). It is judgments entered pursuant section

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1. California Welfare and Institutions Code §§ 11475.1, 11487.2.

2. California Welfare and Institutions Code § 11475.1.

3. A "case" may be defined simply as a support action for family group consisting of a child (or siblings living together), a custodian, and an absent parent.

in proceedings brought under Title 11 of the United States Code.[4/]

While California does not keep statistics on a statewide basis which distinguish between amounts owing under judgments rendered pursuant to section 11350 and amounts of assigned support which have accrued under other applicable law, it does collect information detailing the total unpaid assigned support in the State. California, like all other states and United States territories, certifies the support arrearage it is enforcing to the Internal Revenue Service annually for collection from the tax refunds of obligated parents.[5/] Currently, such parents owe approximately $6.73 billion in unpaid support obligations which are being enforced in California by all district attorneys under the federal child support enforcement program. 42 U.S.C. §§ 651 *et seq.* Of this amount, approximately $4.75 billion has been assigned to the counties as a condition of receipt of public assistance. *Amicus* has no reason to believe that San Francisco is unique or aberrant in the percentage of its total assigned support collectibles which are based on judgments rendered pursuant to section 11350. Thus, by

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4. *Amicus* notes that Welfare and Institutions Code § 11350 was amended effective January 1, 1992 to specify that the child support which forms the basis of the judgment is to be calculated pursuant to state child support guidelines as mandated by federal law. Welfare and Institutions Code § 11350(c); 42 U.S.C. § 667. The amendment further specifies that all amounts collected on the judgment in excess of the public assistance paid to the family shall be disbursed to the family. Welfare and Institutions Code § 11350(a)(2). *Amicus* declines to speculate as to the dischargeability of debts for child support entered pursuant this statute as amended. Section 11350 as it read prior to the 1992 amendments and as applied in the Court below is discussed in footnote 11, *infra*.

5. 42 U.S.C. § 664; 45 C.F.R. §§ 302.60, 303.72.

extrapolation, 11% of the assigned support in California alone, or $522,500,000, is based on judgments rendered pursuant to section 11350 and consequently at risk of discharge in the Ninth Circuit.

Attached, as Appendix I, is a copy of the amounts of support arrearages certified to the Internal Revenue Service for tax intercept collection by thirty five jurisdictions through September 12, 1995. The table reflects the name of the reporting jurisdiction, the number of cases certified for the tax intercept, and the total arrearage. It also reflects how much of the arrearage is assigned to the state (AFDC) or not assigned (NAFDC). This table was provided to *amicus* by the Department of Health and Human Services, Office of Child Support Enforcement (OSCE). Of the jurisdictions situated in the Ninth Circuit, only Hawaii, Guam, and the North Mariana Islands have not yet certified their support arrearages for the IRS intercept program. The table shows that obligated parents currently owe $6.7 billion in assigned support in seven reporting jurisdictions in the Ninth Circuit.[6/]

As a practical matter actions for support cannot be filed against noncustodial parents until their identity

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6. Note that the following jurisdictions in the Ninth Circuit, *inter alia*, have statutes similar to California Welfare and Institutions Code § 11350 which provide for the recovery of aid paid prior to the date an action for support is filed against a noncustodial parent: Alaska (Alaska Stats. § 25.27.120); Arizona (Ariz. Rev. Stat. § 46-295); Hawaii (Haw. Rev. Stat. §346-37.1; Idaho (Idaho Code § 56-203B); Montana (Mont. Code Ann. § 40-5-223); Nevada (Nev. Rev. Stat. § 425.360(1)); Oregon (Ore. Rev. Stat. §§ 416.410, 416.415--amended, Ore. Laws 1995, Ch. 514, §§ 8-19); Washington (Wash. Rev. Stat. § 74.20(A).055). *Amicus* declines to speculate on how much of the assigned support in these jurisdictions has accrued under the above cited statutes as distinguished from the accrual of assigned support under other orders or judgments. However, based upon experience in California, such accruals cannot be insubstantial.

and whereabouts are known. Thus, there is often a significant time gap between the date public assistance is granted to a child and the date a complaint for support is filed.[7] That gap is bridged under California law by section 11350 of the Welfare and Institutions Code which provides for a support judgment for the period preceding the date the support action is filed. In California the prefiling support recovery period is limited to three years.[8]

In addition to actions involving the support of families living in San Francisco, the district attorney is required to use reciprocal enforcement of support procedures either to request another state to enforce a support obligation against a resident parent on behalf of that parent's children who live in San Francisco or to enforce a support obligation against a San Francisco

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7. Actions to establish support when paternity is at issue must be *filed* within ninety days of *locating* the absent parent. 45 C.F.R. § 303.5(a)(1). Most cases filed by the district attorney require the establishment of paternity and therefore are not filed prior to locating the putative father. And even if the district attorney were able to file a support action immediately upon the granting of public assistance, the action would be dismissed if the noncustodial parent-defendant could not be served in three years. California Code of Civil Procedure §§ 583.210, 583.250. If the noncustodial parent were subsequently located, the new support action would necessarily seek support for a period preceding the filing date of the new action. Moreover, if the custodial parent fails to provide sufficient information to identify the noncustodial parent or misidentifies such parent, additional delays in filing a support action against the proper noncustodial parent would occur. Section 11350 is therefore designed to prevent the loss of recoverable support when the custodial parent misidentifies or declines to identify the noncustodial parent, or because the noncustodial parent successfully evades service of process or conceals his whereabouts.

8. *Amie* v. *Superior Court of Riverside County* (1979) 99 Cal.App.3d 421, 427, 160 Cal.Rptr. 271, 274.

parent whose children reside in another state. California Family Code §§ 4800-4854; 42 U.S.C. § 454; 45 C.F.R. § 303.7. Besides the usual support obligations enforceable under the reciprocal process, a state or political subdivision has the same right as a custodial parent or child to bring a reciprocal enforcement action against a noncustodial parent when that entity has supported the child "for the purpose of securing reimbursement for support furnished . . . ." California Family Code § 4821.

Because of this responsibility to enforce obligations to reimburse a political subdivision for support furnished to children--usually in the form of public assistance under the Aid to Families With Dependent Children (AFDC) program--the district attorney of a county will be both collecting reimbursement for other states and receiving reimbursement collected by other states. And since there is a clear conflict between the Courts of Appeal for the Ninth and Seventh Circuits[9/] and between various districts which have ruled on the issue of the dischargeability of reimbursement obligations, the local district attorney will be required to apply two standards in the enforcement of such judgments against debtors in bankruptcy, dependent solely on the location where the obligated debtor-parent has filed a petition in bankruptcy. This contradictory result is difficult to explain to an obligated parent and to justify in a system theoretically designed to treat all debtors equally. Such a conflict certainly encourages a knowledgeable debtor to shop for his or her bankruptcy forum carefully. A parent obligated to pay a $50,000 reimbursement judgment may find a temporary change in residency to a

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9. See *In re Stovall*, 721 F.2d 1133 (7th Cir. 1983).

state within the Ninth Circuit well worth the cost of relocation.

ARGUMENT

I.

THE OPINION OF THE NINTH CIRCUIT MISCONSTRUES SECTION 456(b) OF THE SOCIAL SECURITY ACT AND IS IN CONFLICT WITH THE SEVENTH CIRCUIT.

The argument *amicus* wishes to advance is simple and straightforward. It is rests on the meaning which Congress reasonably attributed to the words "accrued rights." In *Ramirez, supra,* 795 F.2d at 1497, the Court noted that a debtor is not discharged from debts which have been assigned to a State under section 402(a)(26)[10] of the Social Security Act. 42 U.S.C. 656(b). The Court further noted that section 402(a)(26) provides that "as a condition of eligibility for aid, each applicant must 'assign to the State any rights to support . . . which *have accrued* at the time the assignment is executed (emphasis original)." *Ibid.* The Court then concluded that proceedings brought pursuant to California Welfare and Institutions Code section 11350 are not be actions based on the accrued rights of applicants or recipients of aid.[11] The Court held that

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10. 42 U.S.C. § 602(a)(26). In pertinent part reads as follows: "as a condition of eligibility for aid, each applicant or recipient will be required--(A) to assign the State any rights to support from any other person such applicant may have (i) in his own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid, and (ii) which have accrued at the time such assignment is executed. . . ."

11. California Welfare and Institutions Code § 11350 as it was written and as it was interpreted by the Ninth Circuit in *Ramirez* and *Visness* imposed liability on an absent parent for public

the custodial parent-applicant had no *accrued rights* to assign to the state under California law. This conclusion is based solely on the principle that one parent does not have a claim against the other for reimbursement for money paid out in support of their child prior to the issuance of an order of the court directing the other parent to pay support. *Ibid.*

Simply stated, *Ramirez* concludes that in order to qualify as an exception to discharge under Title 11 as a debt based on "rights to support which have accrued," such debt must be a liquidated claim for money recoverable by the custodial parent against the noncustodial parent, or it must be based on a personal retroactive cause of action against the noncustodial parent by the custodial parent. Such debts are commonly referred to as support arrearages. *Amicus*

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assistance paid to his or her children. The maximum liability was the actual amount of aid paid, but this amount was reduced by several factors. Prior to 1992 section 11350 read as follows: "In the case of a separation or desertion of a parent or parents from a child or children which results in aid under this chapter being granted to such family, the noncustodial parent or parents shall be obligated to the county for an amount equal to (a) The amount specified in an order for the support and maintenance of such family . . ., or in the absence of such order, (b) The amount of aid paid to the family during such period of separation or desertion *limited by such parent's reasonable ability to pay during that period* in which aid was granted (emphasis added) . . . ." This provision therefore operated to impose the same liability as an ordinary child support order for the aid period which preceded the date the action for support was brought. Section 11350 was amended in 1991 to ***mandate*** that the support judgment for the reimbursement period be computed under the same statewide child support guidelines which are used to compute an ordinary support order. Stats. 1991, c. 110, § 20. Even prior to this amendment, however, courts deemed use of the statewide child support guidelines in calculating reimbursement to be necessary. *County of Contra Costa v. Lemon*, 205 Cal.App.3d 683, 689, 252 Cal.Rptr. 455, 459 (1988).

submits that this conclusion is erroneous and that "accrued rights" to support mean nothing more than an existing right of action of one parent to sue the other for support *at the time of the assignment.* Had Congress wished to limit the assignment to debts recoverable by the applicant or recipient of aid ***under State law***, it could have easily said so.[12/] However, under the specific wording of the statute, what are assigned are "rights to

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12. Clearly, Congress contemplated that the support rights which are assigned to the State under section 402(a)(26) of the Social Security Act include, "if there is no court order, an amount determined by the State in accordance with a formula approved by the Secretary . . . ." 42 U.S.C. § 656(a)(2)(B). It thus chose to use a *federal* standard in defining what rights were assigned to the State under section 402(a)(26). Without citation to authority, *Ramirez* holds that the "determination of child support rights is a matter of state statutory and common law." *In re Ramirez, supra,* at 795 F.2d 1497. Whatever relevance this conclusion may have in the abstract, it certainly cannot be applied in a manner which ignores the specific language of a federal statute. Thus, no matter what rights California gives a custodial parent to enforce a support obligation, the rights which that parent assigns are "rights" as defined by federal law. *Cf.* phrases Congress used to describe the type of liquidated debts which the *Ramirez* and *Visness* decisions hold are necessary to be considered nondischargeable: "delinquent child support payments" [42 U.S.C. § 665(a)(1)]; "overdue support owed by such absent parent" [42 U.S.C. § 666(a)(3)(A)]; "any payment or installment of support under any child support order" [42 U.S.C. § 666(a)(9)]; "arrearages" [42 U.S.C. § 666(b)(1)]; "payments which the absent parent has failed to make under a support order" [42 U.S.C. § 666(b)(3)(B)]; "the term 'overdue support' means the amount of a delinquency pursuant to an obligation determined under a court order . . . for support . . . of a minor child which is owed to or on behalf of such child" [42 U.S.C. § 666(e)]. Obviously Congress was not at a loss for words if it wanted to describe "accrued support rights" in the same way such rights were defined by the *Visness* and *Ramirez* decisions. Thus, by use of the words "rights to support" which "have accrued," Congress must have intended a broader definition of the assignment than "support arrearages."

support." *Amicus* maintains that such a "right" is the right to seek a support order at the time the assignment is made. To put it otherwise, *Ramirez* necessarily concludes that a custodial parent has no "*right to support*" from the other parent which has "accrued" on the date he or she applies for public assistance. If this conclusion be true, then it is equally true that such rights to support are also *not rights which have accrued* on the date an action for support is filed. Indeed, if the holding of the Ninth Circuit were carried to its logical conclusion, the district attorney would never be able to bring a support action against a non-custodial parent of a child based upon the assignment of accrued support rights to the county since no rights of support could ever "have accrued."

California law on this point is clear and unequivocal. The AFDC program allows a custodial parent to apply for aid for a child which will be granted if specific eligibility requirements are met.[13] The child must therefore be in existence. In California both parents have a obligation to support their children. California Family Code § 3900. It is the most basic and primary obligation recognized in this State. California Family Code § 4053(a). All children have an enforceable action against parents who do not provide support. California Family Code § 4000. And this "right of support" may be enforced by a county on behalf of such children. California Family Code § 4002(a). Finally, when "the county furnishes support to a child, it has the same right as the child to secure reimbursement and obtain continuing support." California Family Code § 4002(b).

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13. 42 U.S.C. §§ 601 *et seq.*

Undeniably, a child or a county has a *right* to seek support from a noncustodial parent. The only question remaining to be answered is when, under the statutory language of section 402(a)(26) of the Social Security Act, such a right to support *accrues*. *Amicus* submits that such accrual begins with the existence of the child. Arguably, in California such a right to support commences on the date of conception. California Penal Code § 270; see also, Family Code § 7633. In any event *amicus* maintains that a "right" to support has certainly "accrued" on the date a custodial parent applies for public assistance for an existing child. On that date no one could deny that a child has an enforceable right of support and an inevitable cause of action under California law to enforce this right. Family Code § 4000.[14] But what *Ramirez* concludes, and what *Visness* refused to reconsider, is that if the custodial parents or children do not or cannot exercise such "rights" to support immediately by obtaining a court order, they will have no "rights" to assign to the county because no such rights "have accrued." This construction confuses the right of a custodial parent or child to sue for reimbursement with a child's right to obtain support.

"The term 'accrue' as applied to a cause of action, means to arrive; to commence; to come into existence; to become a presently enforceable demand." *Van Hook v. Southern California Waiters Alliance*, 158 Cal.App.2d 556, 323 P.2d 212, 217 (1958). A cause of action "accrues" at the moment when there is a legal right to sue on it. *Weinstock v. Eissler*, 224 Cal.App.2d 212, 36 Cal.Rptr. 537, 549 (1964). Thus, the conclusion

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14. The predecessor of this provision in effect at the time the children in the *Visness* and *Ramirez* cases were granted public assistance was substantially the same. California Civil Code §§ 241, 248, repealed by Stats. 1992, ch. 162, § 2, operative Jan. 1, 1994.

in *Ramirez* that a child or parent has no "accrued" right to support which is assignable to the county until the court has made a support order is clearly erroneous. Moreover, it rewards the noncustodial parent who is successful in evading service of process or in concealing his whereabouts.

The interpretation *amicus* ascribes to the meaning of "accrued rights" is certainly not unique. It is a present and existing right to obtain a support order, not a debt already accumulated under such an order. It does nothing more than distinguish between an existing right to enforce a support obligation and one which may accrue in the future. *In re Ramirez*, *supra*, at 795 F.2d 1501 (Ferguson, J., dissenting); *Matter of Stovall, supra,* at 721 F.2d 1135; *State of Oregon v. Richards*, 45 B.R. 811, 816 (D.Ore. 1984); *In re Jones*, 94 B.R. 99, 102 (Bkrtcy.N.D.Ohio 1988); *In re Walden*, 60 B.R. 641, 645 (Bkrtcy.M.D.Fla. 1986); *In re McLean*, 59 B.R. 675, 680 (Bkrtcy.E.D.Va. 1986); *In re Wilson*, 29 B.R. 254, 257 (Bkrtcy.D.Kan. 1983).

What Congress did ***not*** intend to be assigned was a right to support which may accrue in the future. Thus, when aid terminates because the parents have reconciled, there is no assignment to the State of any future right to support which the custodial parent or child may subsequently obtain. There is thus no ongoing obligation to reimburse the State for aid paid beyond that which had accrued when aid terminated. Likewise, in States where there was no right to support for a child until birth, the assignment did not create a new cause of action for prenatal support. And in States where support arrearages were subject to a retroactive modification based on then existing criteria, the right such arrearages did not accrue until they were reduced to a judgment by a court. Thus, in all cases it was the "right" to obtain money for support, and not a right to

money already owed which constituted the crux of the assignment. If the custodial parent or child had a right to secure an enforceable judgment or order to pay money for support *on the date the assignment was executed,* then so did the State. If the right to seek such a judgment had not accrued to the parent and child, they could not assign it.

SUMMARY

In holding that Mrs. Ramirez had no accrued rights to support at the time she applied for public assistance because she did not have a support order, the Court of Appeals necessarily finds that a support right accrues *because* a support action is brought. *Amicus* urges the opposite: that a support action properly may brought because a support right already *has accrued*. What matters is that *under state law* a custodial parent has an accrued right to bring a support action at the time this parent assigns the right of support to the county. There is no corresponding requirement *under federal law* that this parent actually exercise such a right. Nondischargeability only requires the assignment of it. And thus, state law, which precludes the recovery of support by a custodial parent from a noncustodial parent without the issuance of a support order, has no relevance to the analysis of the federal law which excepts assigned and accrued rights to support from discharge.

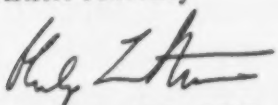
CONCLUSION

The District Attorney of the City and County of San Francisco joins the Attorney General of the State of California in urging this Court to grant his petition for the Writ of Certiorari.

Dated: November 3, 1995.

Respectfully submitted,

ARLO SMITH
District Attorney



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APPENDIX I

PY-96 CASELOAD VALIDATED BY OCSE

09/12/95

	AFDC		NAFDC		TOTAL	
	CASES	ARREARAGE	CASES	ARREARAGE	CASES	ARREARAGE
ALASKA	12,011	$173,666,158	6,193	$102,744,557	18,204	$276,410,715
ARKANSAS	31,361	$138,293,692	22,089	$109,485,885	53,450	$247,779,577
ARIZONA	29,879	$280,325,750	25,424	$246,504,832	55,303	$526,830,582
CALIFORNIA	430,587	$4,753,286,576	187,661	$1,981,003,628	618,248	$6,734,290,204
CONNECTICUT	57,508	$720,188,952	15,384	$116,185,422	72,892	$836,374,374
FLORIDA	140,667	$908,186,122	91,421	$636,475,385	232,088	$1,544,661,507
GEORGIA	89,430	$488,773,810	71,281	$390,890,219	160,711	$879,664,029
IOWA	51,055	$465,165,113	22,614	$139,253,277	73,669	$604,418,390
IDAHO	15,205	$76,710,951	11,036	$76,381,276	26,241	$163,092,227
INDIANA	86,246	$704,868,641	40,280	$333,423,428	126,526	$1,038,292,069
KANSAS	36,112	$225,568,803	20,817	$134,104,281	56,929	$359,673,084
KENTUCKY	53,346	$305,085,142	29,150	$152,499,889	82,496	$457,585,031
MAINE	25,722	$212,367,686	11,177	$65,443,661	36,899	$277,811,347
MICHIGAN	217,525	$2,046,747,532	125,817	$760,271,427	343,342	$2,807,018,959
MINNESOTA	54,885	$348,331,267	27,782	$170,139,027	82,667	$518,470,294
MISSOURI	84,051	$523,543,439	47,897	$302,661,684	131,948	$826,205,123
MONTANA	8,981	$47,597,248	6,266	$42,106,380	15,247	$89,703,628
NORTH CAROLINA	77,375	$308,982,704	70,264	$335,143,048	147,629	$644,125,752
NORTH DAKOTA	9,038	$45,696,014	3,964	$19,464,573	13,002	$65,160,587
NEBRASKA	16,508	$91,927,346	14,181	$95,096,769	30,689	$187,024,115
NEW HAMPSHIRE	9,625	$55,138,286	6,777	$44,279,168	16,402	$99,417,454
NEW JERSEY	107,505	$775,623,432	64,009	$431,383,598	171,514	$1,207,007,030
NEW MEXICO	13,183	$109,647,597	3,912	$32,899,118	17,095	$142,546,715
NEVADA	11,941	$59,592,346	8,714	$70,292,603	20,655	$129,884,949
OHIO	140,982	$1,071,589,158	103,739	$797,787,669	244,721	$1,869,376,827
OKLAHOMA	31,650	$202,816,520	18,679	$120,660,402	50,329	$323,476,922
OREGON	54,243	$304,985,524	42,843	$290,224,985	97,086	$595,210,509
PENNSYLVANIA	134,915	$699,186,833	88,674	$437,988,033	223,589	$1,137,174,866
SOUTH DAKOTA	10,299	$46,479,988	5,110	$26,294,381	15,409	$72,774,369
TENNESSEE	57,585	$252,397,102	22,070	$137,578,534	79,655	$389,975,636
TEXAS	155,874	$1,126,326,099	132,468	$973,478,998	288,342	$2,099,805,097
VIRGINIA	57,273	$326,981,403	44,275	269,037,483	101,548	$596,018,886
VIRGIN ISLAND	9	$56,858	172	$1,895,332	181	$1,952,190
VERMONT	7,291	$33,962,333	2,601	$14,232,143	9,892	$48,194,476
WASHINGTON	111,679	$965,907,376	49,713	$380,733,363	161,392	$1,346,640,739
NATIONAL TOTALS:	2,431,546	$18,896,003,801	1,444,444	$10,238,044,458	3,875,990	$29,134,048,259